IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 2221 of 2007(M)

PETITIONER:

K.P. JANARDHANAN NAIR,
RETIRED SENIOR SUPERINTENDENT, K.S.E.BOARD,
ELECTRICAL SECTION NO.1, ELECTRICAL DIVISION
THODUPUZHA, RESIDING AT KOCHUKANDATHIL HOUSE,
MANAKAD P.O., THODUPUZHA, ERNAKULAM DISTRICT.

BY ADV. SRI.B.UNNIKRISHNA KAIMAL
SRI.V.MADHUSUDHANAN

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM-4.

2. THE CHIEF ENGINEER (H.R.M)
K.S.E.BOARD, VYDYUTHI BHAVAN,
THIRUVANANTHAPURAM-4.

BY SC SHRI. K.S. ANIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 2221 OF 2007 M
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Dated this the 6th February, 2007

J U D G M E N T

The petitioner retired from the service of the 1st respondent-Board on 31-12-2005. D.C.R.G. due to him has not been paid. Feeling aggrieved, this writ petition has been filed.

2. Legal Liaison Officer, on instruction, submits that pursuant to disciplinary proceedings initiated against the petitioner and some others, the Board has come to the conclusion that a sum of Rs.12,000/- each will have to be recovered from the emoluments or D.C.R.G. due to those employees. The petitioner is one among them. Therefore, D.C.R.G. less Rs.12,000/- alone can be disbursed.

3. Counsel for the petitioner submits that the amount estimated as loss to be recovered from the petitioner is far in excess of the actual amount and that no amount can be recovered from the D.C.R.G. due to the petitioner.

4. The question whether the decision taken by the Board to recover Rs.12,000/- from the D.C.R.G. due to

the petitioner can be separately agitated by the petitioner. Reserving that right of the petitioner and directing the 1st respondent-Board to consider the objections that may be raised by the petitioner against the recovery and to take appropriate decision, there shall be a further order that the respondents shall disburse the D.C.R.G. due to the petitioner less Rs.12,000/- within one month from the date of receipt of a copy of the judgment.

The writ petition is disposed of as above.

K.K. DENESAN
JUDGE

jan/